

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Roberta Larsen,

Case No. _____

Plaintiff,

v.

Menard, Inc. and Aramark Uniform &
Career Apparel, LLC,

**NOTICE OF
REMOVAL**

Defendants.

TO: District Court Administrator, Sherburne County Courthouse, 13880 Business Center Drive NW, Elk River, MN 55330 and Plaintiff Roberta Larsen and her attorney(s), James Carey, SiebenCarey, P.A., 901 Marquette Avenue, Suite 500, Minneapolis, MN 55402:

PLEASE TAKE NOTICE that Defendant Aramark Uniform & Career Apparel, LLC, pursuant to 28 U.S.C. §§1332 and 1441, et seq. file this Notice of Removal of suit from the St. Louis County District Court to the United States District Court, District of Minnesota. In support therefore, Defendant respectfully states as follows:

1. On September 27, 2021, Plaintiff Roberta Larsen (“Plaintiff”) commenced a civil action entitled Roberta Larsen v. Menard, Inc. and Aramark Uniform & Career Apparel, LLC in St. Louis County District Court. (A copy of the Complaint is attached hereto as Exhibit “A”. An Affidavit of Service on Aramark Uniform & Career Apparel, LLC is attached hereto as Exhibit “B”.) In this Complaint, Plaintiff seek recovery from an injury allegedly sustained on August 7, 2021 while Plaintiff was a patron at Menard, Inc.

2. Defendant Aramark Uniform & Career Apparel, LLC (“Aramark”) served and filed (in Sherburne County District Court) an Answer to the Complaint in this matter on October 15, 2021 which is attached as Exhibit “C”.

3. Attached please find the following items (provided here pursuant to 28 U.S.C. § 1446(a)):

Ex. A – Plaintiff’s Summons and Complaint

Ex. B – Service of Process Transmittal on Defendant Aramark Uniform & Career Apparel, LLC

Ex C – Defendant Aramark Uniform & Career Apparel, LLC’s Answer to Plaintiff’s Complaint

The above items are true and correct copies and represent all processes, pleadings, orders, and records served upon Defendant Aramark Uniform & Career Apparel, LLC.

4. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Defendant Aramark Uniform & Career Apparel, LLC has satisfied the procedural requirements for removal, and this Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332.

5. The Notice of Removal is filed in this court within 30 days after September 27, 2021, the date this action was commenced and Defendant Aramark Uniform & Career Apparel, LLC was served with Plaintiff’s Complaint. Therefore, removal is timely under 28 U.S.C. § 1446 (b).

6. Sherburne County District Court is located within the District of Minnesota. Therefore, venue is proper pursuant to 28 U.S.C. § 98(a) because it is the

“district and division embracing the place where such action is pending.” See 28 U.S.C. § 1441(a).

7. This Notice of Removal is filed on behalf of Defendant Aramark Uniform & Career Apparel, LLC. Co-Defendant Menard, Inc. has been properly served and consented to removal as required by 28 U.S.C. § 1446(b)(2)(a).

8. A copy of this Notice of Removal will be sent by U.S. Mail and email to Plaintiff, by and through her counsel of record: James Carey, SiebenCarey, P.A., 901 Marquette Avenue, Suite 500, Minneapolis, MN 55402.

9. A Notice of Filing Removal along with a copy of this Notice of Removal will be duly filed with the Court Administrator for the County of Sherburne, State of Minnesota, for filing the Plaintiff’s state court action and will be served upon Plaintiff by and through their counsel of record.

10. This is a civil action between citizens of different states. The matter in controversy exceeds Seventy-Five-Thousand-Dollars (\$75,000.00), exclusive of interest and costs. This Court has original jurisdiction under 28 U.S.C. §1332 and the State Court Action is an action that may be removed to this Court by Defendant Aramark Uniform & Career Apparel, LLC pursuant to the provisions of 28 U.S.C. §1441(b).

11. Aramark is now, and was at the time the State Court Action was filed, a Delaware limited liability company, with its principal place of business in Burbank, CA. It is 100% owned by Aramark Uniform & Career Apparel Group, Inc., a corporation organized under the laws of the State of Delaware with its principal place of business in

the Commonwealth of Pennsylvania. *See Corporate Disclosure Statement* filed contemporaneously herewith.

12. Menard, Inc. is now and was at the time the State Court Action was filed, a company with its principal place of business in Eau Claire, Wisconsin.

13. According to Paragraph I of the Complaint, Plaintiff is a resident of Minnesota. Ex. A at ¶ I.

14. Plaintiff has not sued any other defendants, named or fictitiously named other than those identified herein.

15. By filing this Notice of Removal, Defendant Aramark Uniform & Career Apparel, LLC does not waive any defense that may be available to them and reserve all such defenses. If any question arises as to the propriety of the removal to this Court, Defendant Aramark Uniform & Career Apparel, LLC requests the opportunity to present a brief and oral argument in support of its position that this case has been properly removed.

16. The matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

WHEREAS, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Aramark Uniform & Career Apparel, LLC prays:

1. That the aforesaid state action now pending against Defendant Aramark Uniform & Career Apparel, LLC in Sherburne County District Court, Tenth Judicial District, State of Minnesota, be removed in its entirety to this Court for a determination;

2. That all further proceedings in connection with the State Court action be stayed; and

3. That Defendant Aramark Uniform & Career Apparel, LLC be entitled to additional and different relief as is appropriate.

ARTHUR, CHAPMAN, KETTERING,
SMETAK & PIKALA, P.A.

Dated: October 19, 2021

/s/ Allison N. Krueger
Eugene C. Shermoen, Jr. (#183246)
Allison N. Krueger (#393618)
500 Young Quinlan Building
81 South Ninth Street
Minneapolis, MN 55402-3214
P: (612) 339-3500
F: (612) 339-7655
ecshermoen@ArthurChapman.com
ankrueger@ArthurChapman.com

*Attorneys for Defendant Aramark Uniform &
Career Apparel, LLC.*